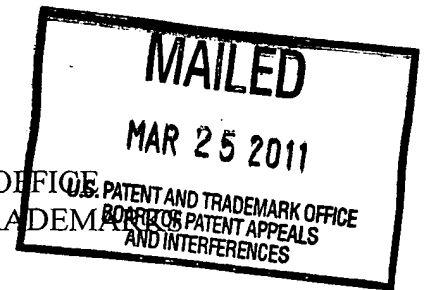


UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE COMMISSIONER OF PATENTS AND TRADEMARKS



| | | |
|----------------------------|---|------------------------|
| In re Andrew Levers |) | |
| |) | |
| Application No. 10/539,016 |) | Appeal No. 2010-005660 |
| |) | |
| Filed: June 16, 2005 |) | |
| _____ |) | |
| In re Allen Kaye |) | |
| |) | |
| Application No. 10/525,063 |) | Appeal No. 2009-010706 |
| |) | |
| Filed: February 18, 2005 |) | |

ORDER GRANTING REQUEST TO RESCHEDULE TWO ORAL HEARINGS

An oral hearing before a merits panel of the Board of Patent Appeals and Interferences had been set for two appeals, the first scheduled for Wednesday, April 13, 2011 and the second scheduled for Thursday, April 14, 2011. The notices setting the hearing dates for each hearing were mailed to Applicants on March 10 and March 11, 2011, respectively. The date Applicants received the notices is not apparent from the record. On March 21, 2011, two facsimile letters styled "Request to Reschedule Oral Hearing" were filed, Applicants requesting that the two oral hearings be rescheduled. The requests have been approved.

According to counsel:

[He] Counsel of record will be out of the country on both April 13, and April 14, 2011. This trip was previously scheduled and confirmation of travel arrangements have been received.

Per a telephone call with Counsel, on March 22, 2011, when asked if there were any other attorneys in the firm, who could present both of these cases in the


Application No. 10/539,016 & 10/525,063
Appeal No. 2010-005660 & 2009-010706

place of this counsel of record, the response was that "no one is capable" of
handling these two cases, with this subject matter.

For the reason given above, it is:

Ordered that the requests to reschedule the oral hearings are granted. No further
requests for postponement will be permitted. Any further requests for postponement will
be treated as a waiver of the Request for Oral Hearing.

BOARD OF PATENT APPEALS
AND INTERFERENCES



James T. Moore
Vice Chief Judge
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